

**REMARKS**

The present response amends claims 41, 59, and 79. Claims 41-84 remain pending in the captioned case. Further examination and reconsideration of the presently claimed application are respectfully requested.

**Allowable Subject Matter**

Applicant appreciates the Examiner's indication that claims 57 and 75 are directed to allowable subject matter. However, for reasons set forth below, Applicant believes the independent claims from which claims 57 and 75 depend are allowable in their presently amended form. Accordingly, Applicant asserts that claims 57 and 75 are also allowable in their present form.

**Section 102 Rejections**

Claims 41, 42, and 59 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,831,463 to Faroudja (hereinafter "Faroudja"). The standard for "anticipation" is one of fairly strict identity. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP 2131. Furthermore, anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, as arranged in the claim. *W.L. Gore & Assors. V. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). Using these standards, Applicants submit the cited art fails to disclose each and every element of the currently pending claims, some distinctive features of which are set forth in more detail below.

Faroudja teaches away from a modulator unit that produces a spectral power density being reduced without a bandwidth of the output signal being substantially increased or decreased. Present independent claims 41 and 59 each describe a modulator unit that modulates a signal so that the spectral lines of the output signal have gaps filled therein between individual spectral lines resulting in a spectral power density that is reduced. Specifically, the spectral power density is reduced without a bandwidth of the output signal being substantially increased or decreased. Support for the amendments to claims 41 and 59, as well as claim 79, is set forth in the originally filed specification, e.g., page 7, under the heading "Phase-shift technique," lines 6-7. Moreover, the claimed concept of not substantially changing the

bandwidth of the output signal is illustrated, for example, in Figs. 8 and 16 of the present specification. The various spectral lines shown in each of these figures are modulated so that the gaps between the spectral lines (or around a spectral line) are filled in with the modulated signal. However, the overall spacing between the spectral lines commensurate with the bandwidth from one spectral line to the next, does not substantially change when the gaps between spectral lines are filled.

Contrary to the present independent claims 41 and 59, Faroudja specifically requires that when modulating a transmitted signal, the higher frequency spectral components are folded into the lower-band and mid-band spectral gaps (Faroudja -- col. 4, lines 39-44). Consequently, the modulated signal that folds the higher frequency components into the lower frequency components comprises a process which "compress[es] spectrum video through the storage or transmission path" (Faroudja -- col. 4, lines 45-46). By folding the higher frequency components into the lower frequency components in Faroudja, an output signal is being produced that has a decreased bandwidth -- directly contradictory to present claims 41 and 59 of which the bandwidth does not decrease.

**Faroudja does not disclose a modulator unit for modulating an output signal, a carrier signal, or output signal at any sight in the transmission circuit, independently of a modulation technique selected for the purpose of signal transmission.** Present claims 41 and 59 each recite two different modulation techniques. A first modulation technique is that used to fill gaps between individual spectral lines, whereas a second modulation technique that is independent of the first modulation technique is used for the purpose of signal transmission. Using two separate modulation techniques that are independent from one another allows the gap filling technique to not affect or be affected by any other form of modulation used to transmit a signal.

Contrary to independent claims 41 and 59, Faroudja makes no mention whatsoever of two different modulation techniques, one independent from the other. In fact, the only modulation described in Faroudja is the folding technique. For the sake of simplicity, Faroudja specifically states that the folding technique provides a simplistic modulation mechanism for filling gaps as well as transmitting a signal across the transmission medium (Faroudja -- col. 4, lines 26-35). When reading Faroudja, a skilled artisan would recognize that in order to simplify the transmission mechanism, folding higher frequency components into the lower frequency components not only reduces the overall bandwidth of the modulated signal, but allows for ease of recovery and simplistic transmission design at both the transmitter and receiver ends of the transmission system (Faroudja -- col. 5, lines 26-30). Thus, a skilled artisan would have no incentive for

making modifications to Faroudja to achieve a more complex, dual modulation technique as presently claimed.

For at least the foregoing reasons, Applicant asserts that independent claims 41 and 59, as well as claims dependent therefrom, are not anticipated by the cited art. Accordingly, Applicant respectfully requests removal of this rejection.

#### Section 103 Rejections

Claims 43-56, 58, 60-74, and 76-84 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Faroudja in view of U.S. Patent No. 5,995,534 to Fullerton et al. (hereinafter "Fullerton"). To establish a case of *prima facie* obviousness of a claimed invention, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. Second, there must be a reasonable expectation of success. As stated in MPEP 2143.01, the fact that references can be hypothetically combined or modified is not sufficient to establish a *prima facie* case of obviousness. *See In re Mills*, 916 F.2d. 680 (Fed. Cir. 1990). Finally, the prior art references must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d. 981 (CCPA 1974); MPEP 2143.03, emphasis added. Specifically, "all words in a claim must be considered when judging the patentability of that claim against the prior art." *In re Wilson* 424 F.2d., 1382 (CCPA 1970). Using these standards, Applicants contend that the cited art fails to teach or suggest all features of the currently pending claims, some distinctive features of which are set forth in more detail below.

As stated above in response to the § 102 rejections, Faroudja does not teach an output signal having a bandwidth that does not substantially change (i.e., does not substantially increase or decrease), nor does Faroudja disclose two separate and independent modulation techniques -- one for filling gaps and one for transmitting a signal as presently claimed in claims 41 and 59. In addition, Faroudja cannot be combined with Fullerton to teach the limitations contained in claims 41 and 59. Therefore, absent the teachings contained in claims 41 and 59, Applicant asserts that all claims dependent therefrom (claims 42-58 and 60-78) must also be patentably distinct over Faroudja and Fullerton.

Faroudja and Fullerton do not teach or suggest a first stationary part and a second movable part, with a transmission circuit coupled to transmit an output signal between the first stationary part and the second movable part. Present independent claim 79 recites a transmission circuit coupled to transmit an output signal between a first stationary part and a second movable part. Contrary to claim 79, neither Faroudja nor Fullerton make any mention of a stationary part and a movable part, much less a transmission circuit which transmits a signal between the first stationary part and the second movable part. The Office Action asserts that the first stationary part and the second movable part are set forth in Faroudja (Office Action – page 7). However, upon a closer reading of Faroudja, nowhere in the sections cited by the Examiner is there any mention that a portable camera and a recorder, such as a video cassette recorder, constitute both a stationary part and a movable part. Moreover, there is no reference made in Faroudja that a "consumer quality video cassette recorder" is stationary. In fact, it is well known to a skilled artisan that a video cassette recorder (VCR) is typically movable, similar to a portable camera. Thus, there is no teaching of the claim limitation having a transmission circuit which transmits an output signal between a stationary part and a movable part.

For at least the reasons stated above, Applicant asserts that claims 41, 59, and 79, as well as claims dependent therefrom, are patentably distinct over the cited references. Accordingly, Applicant respectfully requests removal of this rejection.

#### CONCLUSION

The present amendment and response is believed to be a complete response to the issues raised in the Office Action mailed March 17, 2005. In view of the remarks herein traversing the rejections, Applicants assert that pending claims 41-84 are in condition for allowance. If the Examiner has any questions, comments, or suggestions, the undersigned attorney earnestly requests a telephone conference.

#### PETITION FOR EXTENSION OF TIME

Applicant respectfully petitions the Commissioner for a one (1) month extension of time under 37 C.F.R. § 1.136 within which to respond to the Office Action mailed March 17, 2005, such extension allowing the undersigned until July 17, 2005 to respond.

The Commissioner is authorized to charge the required fees or credit any overpayment to Daffer McDaniel, LLP Deposit Account No. 50-3268/5858-05400.

Respectfully submitted,

  
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